

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TODD C. BANK, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

CARIBBEAN CRUISE LINE, INC.,

Defendant.

Civil Action No. 1:12-cv-05572-JG-RML

DECLARATION OF JAYE KECKEIS

Pursuant to 28 U.S.C. § 1746, I, Jaye Keckeis, declare as follows:

1. I, Jaye Keckeis, am a Paralegal at Greenspoon Marder, P.A. (the “firm”) which is counsel for Defendant Caribbean Cruise Line, Inc. (“CCL”) in the above-styled matter. I have personal knowledge of the facts stated herein or through a review of records over which I have care, custody, and control.

2. On August 6, 2014, I was finalizing CCL’s Opposition to Plaintiff’s Motion for Class Certification (“Opposition”).

3. The Opposition included seventeen (17) numbered exhibits plus an additional two (2) declarations as attachments to the Opposition.

4. On the night of the deadline – August 6, 2014 – the task of filing the Opposition was left in my hands. I initiated the process of electronically filing the Opposition along with the exhibits and attachments thereto onto the Court’s CM/ECF system at approximately 11:30 p.m. Upon commencing the uploading of the Opposition, I began to experience difficulties. My computer and/or the CM/ECF system was running

uncharacteristically slow and the documents were failing to attach and the CM/ECF system continuously became unresponsive. This required me to reinitiate the process. After successfully uploading the Opposition for the second time, I continued to experience difficulties uploading the exhibits and attachments. After restarting the process for the third time and successfully uploading the Opposition, I noted the time was closing in on 12:00 Midnight – the cutoff time for timely filing. I, therefore, made the decision to submit the Opposition without the exhibits and attachments so that the Opposition would be timely filed. The Court reflects the Opposition at DE 65 being filed on “08/06/14.”

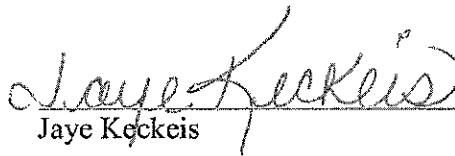
Immediately thereafter, I continued my attempts to file the Opposition with exhibits and attachments and, again, experienced several delays in uploading everything to the CM/ECF system. On several occasions, I was even kicked back out to the main login page where I had to re-enter the login and password. Finally, after an additional approximately forty (40) minutes of attempts after initially filing the Opposition at DE 65, I was able to file the Opposition and all of the exhibits and attachments. The Court reflects the Opposition with attachments at DE 66 as being filed on “08/07/14,” with the Court’s Notice of Electronic Filing noting the time of filing to be at “0:40 AM EDT.”

5. Of note, throughout the day on August 6, 2014, I utilized the computer equipment that I regularly use in the course and scope of my employment and that has been assigned to me for my exclusive use. At no other time during the day did I experience any problems with my hardware, software, or the firm’s Internet Service

Provider ("ISP"), nor did I receive any notifications from our internal Information Technology ("IT") department that there were any problems with the firm's equipment. It appears, therefore, that the sole reason that the exhibits and attachments to the Opposition were not filed at or before 12:00 Midnight on August 6, 2014, was due to technical failure of this Court's CM/ECF system.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury and of the laws of the United States that the foregoing is true and correct.

Dated this 8th day of August, 2014 in Broward County, Florida.


Jaye Keckeis